

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ARC CONTROLS, INC.,)	
Plaintiff,)	
)	
v.)	
)	CASE NO. 1:19-cv-391-LG-RPM
)	
M/V NOR GOLIATH, <i>in rem</i> , and)	<i>Consolidated with:</i>
GOLIATH OFFSHORE HOLDINGS PTE.)	CASE NO. 1:19-cv-395-HSO-JCG
LTD., <i>in personam</i>)	
_____)	

**MOTION FOR VOLUNTARY DISMISSAL WITHOUT
PREJUDICE AND WITH FULL RESERVATION OF RIGHTS**

COMES NOW, Dan Bunkering (America), Inc., (“Dan Bunkering”) by and through undersigned counsel, who moves this Honorable Court for an Order dismissing its Verified Complaint (Doc. 1 in Case No. 1:19-CV-00395-HSO-JCG, which was consolidated with these proceedings pursuant to Rec. Doc. 53) against Epic Companies, LLC and Epic Applied Technologies, LLC (collectively “Epic”), named in this proceeding as Third Party Defendants, without prejudice. The claims of Dan Bunkering against M/V NOR GOLIATH, *in rem*, and Goliath Offshore Holdings Pte. Ltd. (“Goliath”) previously have been dismissed with prejudice (Rec. Doc. 182), leaving only Dan Bunkering’s claims against Epic.

Issue has not been joined with respect to Epic in this proceeding. Epic has not made an appearance in the above-captioned matter other than to file a Notice of Suggestion of Bankruptcy (Rec. Doc. 125) and a Notice of Automatic Stay & Interest in Property (Rec. Doc. 184). This dismissal is without prejudice to the assignment of Dan Bunkering’s claims to Goliath and the assertion of those assigned claims in the Epic bankruptcy proceeding (Case No. 19-34752 in the

United States District Court for the Southern District of Texas) or in any other proceeding or forum in which Dan Bunkering is or may have been entitled to assert its claims against Epic.

Respectfully submitted:

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/s/ Matthew C. Guy

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